

Docket: 03-239

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert E. Richard
Application No.: 10/777,801
Date Filed: 02/12/2004
Title: POLYMER-FILLER COMPOSITES FOR CONTROLLED DELIVERY OF
THERAPEUTIC AGENTS FROM MEDICAL ARTICLES
Group Art Unit: 1615
Examiner.: Unassigned
Atty. Docket: 03-239

INFORMATION DISCLOSURE STATEMENT (IDS)

Mail Stop DD
Commissioner For Patents
P.O. Box 1450
Arlington, VA 22313-1450

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. ☒ A legible copy of (i) each foreign patents; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. ☐ Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial Number

U.S. Filing Date

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. ☒ Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. ☐ The following additional information is provided for the Examiner's consideration:

III. ☐ CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

FEES

- IV. ☒ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b):** (check one box)
- a. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
 - b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required.
 - c. ☒ before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No fee or statement is required.
 - d. ☐ before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- V. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c):** (check one box)
before the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (See 37 C.F.R. §1.97(c)).
- a. ☐ No statement; therefore, charge deposit account 50-1047 the fee set forth in 37 C.F.R. §1.17(p).
 - b. ☐ See the statement below. No fee is required.
- VI. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):**
on or before payment of the issue fee and is accompanied by the following:
- 1) a statement under 37 C.F.R. §1.97(e) as provided below; and
 - 2) charge deposit account 50-1047 the petition fee set forth in §1.17(p).
- VII. ☐ **STATEMENT UNDER 37 C.F.R. §1.97(e)** (check only one box, if applicable)
The undersigned hereby states that
- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
 - b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
 - c. ☐ some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.
- VIII. **PAYMENT OF FEES**
- ☐ A check in the amount of _____ is enclosed for the above-identified fee(s).
 - ☐ Please charge Deposit Account No. 50-1047 in the amount of \$180.00 for the above-indicated fee(s).
 - ☒ If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-1047.
 - ☐ Two Copies of this paper are attached for Deposit Account charges and debits.

It is Applicant(s)' opinion that the claims presently on file patently distinguish the present invention from each of these references. The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1047.

Respectfully submitted,



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Fax 908-518-7795

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Enclosures: ☒ PTO/SB/08
☒ References (excluding U.S. patents)
☐ Foreign Search Report
☐ Other:

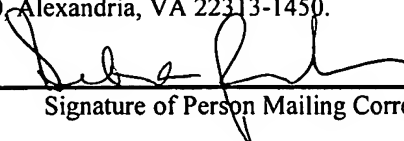
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Substitute for form 1449A/PTO  INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/777,801
				Filing Date	02/12/2004
				First Named Inventor	Robert E. Richard
				Group Art Unit	1615
				Examiner Name	Unassigned
				Attorney Docket Number	03-239
Sheet	1	of	2		

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Class/Subclass		
	1	5,698,624	524/445	Beall et al.	12-16-1997
	2	5,733,925	514/449	Kunz et al.	03-31-1998
	3	5,741,331	623/11	Pinchuk	04-21-1998
	4	6,057,396	524/445	Lan et al.	05-02-2000
	5	6,083,559	427/220	Beall et al.	07-04-2000
	6	6,180,378 B1	435/176	Shen et al.	01-30-2001
	7	6,232,389 B1	524/450	Feeney et al.	05-15-2001
	8	6,399,690 B2	524/445	Lan et al.	06-04-2002
	9	6,545,097 B2	525/240	Pincuk et al.	04-08-2003
	10	2002/0143094 A1	524/445	Conroy et al.	10-03-2002
	11	2003/0039742 A1	427/2.1	Qiu et al.	02-27-2003
	12	2003/0065355 A1	606/200	Weber	04-03-2003
	13	2003/0093107 A1	606/194	Parsonage et al.	05-13-2003
	14	2003/0125803 A1	623/1.42	Vallana et al.	07-03-2003
	15	2003/0144727 A1	623/1.15	Rosenthal et al.	07-31-2003
	16	2003/0161866 A1	424/449	Kostyniak et al.	08-28-2003
	17	2002/107330	525/242	Pinchuk et al.	08-08-2002

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹²Unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/777,801
		Filing Date	02/12/2004
		First Named Inventor	Robert E. Richard
		Group Art Unit	1615
		Examiner Name	Unassigned
Sheet 2 of 2	Attorney Docket Number	03-239	

OTHER PRIOR ART—NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A1	ACQUARULO JR., LAWRENCE; O'NEIL, CHARLES J.; "Enhancing Medical Device Performance with Nanocomposite Polymers". Medical DeviceLink. May 2002. pp 1-8. http://www.deviceLink.com/mddi/archive/02/05/006.html	
	A2	"InMat-Technology". http://www.inmat.com/technology-tmp.htm . pp. 1-3. date unknown but before the filing date of this application.	
	A3	VAIA, RICHARD A.; VASUDEVAN, S.; KRAWLEC, WLODZIMIERZ; SCANLON, LAWRENCE G.; GIANNELIS, EMMANUEL P. "New Polymer Electrolyte Nanocomposites: Milt Intercalation of Poly (ethylene oxide) in Mica-Type Silicates. Advanced Materials. Vol. 7 No. 2. 1995. pp. 154-156.	
	A4	LEVY, RACHEL; FRANCIS, C.W. "Interlayer Adsorption of Polyvinylpyrrolidone on Montmorillonite". Journal of Colloid and Interface Science. Vol. 50 No. 3. March 1975. pp 442-450.	
	A5	GREENLAND, D.J.; "Adsorption of Polyvinyl Alcohols by Montmorillonite". Journal of Colloid Science. Vol. 18. 1963. pp. 647-664.	

Examiner Signature		Date Considered	
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